

PATENT
540597-2007.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : **Paz EINAT et al.**
Serial No. : 09/991,630
For : **GENES ASSOCIATED WITH MECHANICAL
STRESS, EXPRESSION PRODUCTS
THEREFROM, AND USES THEREOF**
Filed : November 6, 2001
Art Unit : 1646
Examiner : To be assigned

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Charles Jackson
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**AMENDMENT AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A
NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice of Omitted Item(s) in a Non-Provisional Application ("Notice") mailed January 2, 2002. The Notice indicated that a reply must be filed two months

from the mailing date of the Notice, i.e., by March 2, 2002, a Saturday therefore filing the reply on Monday March 4, 2002 should be considered timely.

Enclosed herewith is the executed Declaration for Patent Application And Power of Attorney, an executed assignment and recordation sheet, substitute drawings, the sequence listing in both paper and computer readable forms and omitted Figures 5, 6 and 11.

For the reasons that follow, Applicants respectfully request that the Patent and Trademark Office (PTO) accept that the omitted items (Figures 5, 6 and 11) were filed in the PTO as of the earliest filing dates of this application, namely: July 13, 2001, the filing date USSN 09/905,129 (of which the present application is a continuation-in-part), and March 8, 2001, the filing date of USSN 09/802,318 (of which USSN 09/905,129 is a continuation-in-part, and December 4, 2000, the filing date of USSN 09/729,485 (of which USSN 09/802,318 is a continuation-in-part) and to which the present application has properly claimed priority).

AMENDMENT

Please amend the application without prejudice, without admission and without surrender of subject matter, and without any intention of creating any estoppel as to equivalents as follows:

IN THE SPECIFICATION:

Page 69, line 11, please rewrite the paragraph thereat as follows:

The following primers were used for exogenic OCP detection:

Forward: 5' GCACTGAACTGCTCTGTGGAT 3' (SEQ ID NO: 26); and

Reverse: 5' CCACAGAAGTAAGGTTCTTCAC 3' (SEQ ID NO: 27).

Page 74, line 15, please rewrite the paragraph thereat as follows:

At the boundary of this conserved region there is a completely conserved stretch of basic amino acids: KCKKDR (SEQ ID NO: 28) (aa 242-247 and 240-245, in rat and human proteins, respectively). Stretches of basic amino acids frequently serve as protease cleavage sites. The fact that such a stretch is found on the boundary of more or less conserved sequences and the fact that it occurs within the C-terminal LRR, a generally conserved domain, suggests an underlying biological significance.

Immediately after page 78 and before the first page of claims (page 79), please insert the enclosed pages identified as --Sequence Listing--.

IN THE DRAWINGS:

After Figure 4, please insert Figures 5 and 6.

After Figure 10, please insert Figure 11.

REMARKS

The Notice to File Missing Parts required submission of an executed declaration, a surcharge for late filing of the declaration, substitute drawings, a computer readable and paper copy of the sequence listing and omitted Figures 5, 6 and 11.

Enclosed is an executed declaration, an executed assignment and recordation sheet and substitute drawings. A check in the amount of \$65.00 to cover the late filing surcharge and a check for \$40.00 to cover the fee for recordation of the assignment document.

In addition, applicants respectfully request acceptance of the enclosed paper copy and computer readable form of the Sequence Listing.

It is respectfully asserted that the sequence disclosure contained in the application now fully complies with the requirements set forth in 37 C.F.R. § 1.821 to § 1.825.

It is respectfully submitted that the Sequence Listing conforms to the requirements of 37 C.F.R. §1.823(b). The Statements required by 37 C.F.R §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned hereby states that this submission, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

Pursuant to 37 C.F.R. §1.821 (f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

In addition, the drawings have been amended to recite the inclusion of Figures 5, 6 and 11, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel.

No new matter is added.

The Notice required that Applicants either provide evidence that Figures 5, 6, and 11 were in fact deposited with the PTO on November 6, 2001, or supply the missing item together with a supplemental oath or declaration under 37 C.F.R. §§ 1.63 and 1.64.

Figures 5, 6, and 11 of the present application are Figures 5, 6 and 11 of USSN 09/729,485, filed December 4, 2000. A proper continuation-in-part of USSN 09/729,485 was filed March 8, 2001, as USSN 09/802,318, also containing the same Figures 5, 6 and 11, and incorporating the parent application by reference. USSN 09/905,129 was filed on July 13, 2001 as a proper continuation-in-part of USSN 09/802,318, and incorporates by reference, in their entirety both USSN 09/802,318 and USSN 09/729,485, as is evidenced by page 1 paragraph 1 of the specification as filed in the present application.

Thus, Figures 5, 6 and 11 were incorporated by reference into the present application by way of the specification, which incorporates by reference USSN 09/905,129 and USSN 09/802,318 and USSN 09/729,485, all of which contained Figures 5, 6 and 11, supplied herewith. Applicants therefore request that the Assistant Commissioner, under any of the applicable rules, including 37 C.F.R 1.181, accept Figures 5, 6 and 11 herewith, which were actually filed with the present applications by way of incorporation by reference of USSN 09/905,129, filed July 13, 2001 and USSN 09/802,318, filed March 8, 2001 and USSN 09/729,485, filed December 4, 2000 all of which included Figures 5, 6 and 11 herewith.

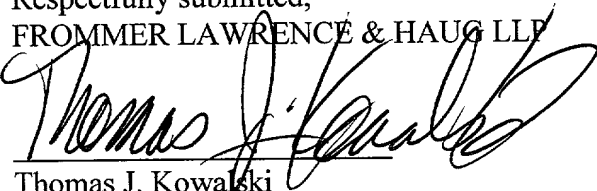
Thus, submitted herewith is a copy of the Notice of Omitted Item(s), and Figures 5, 6 and 11 of the application.

CONCLUSION

Accordingly, it is respectfully requested that this application be accorded a filing date as of the date of receipt by the Patent Office of the original application papers on November 6, 2001.

Respectfully submitted,
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“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

Page 69, line 11:

The following primers were used for exogenic OCP detection:

Forward: 5' GCACTGAACTGCTCTGTGGAT 3' (SEQ ID NO: 26[2]); and

Reverse: 5' CCACAGAAGTAAGGTTCTTCAC 3' (SEQ ID NO: 27[3]).

Page 74, line 15:

At the boundary of this conserved region there is a completely conserved stretch of basic amino acids: KCKKDR (SEQ ID NO: 28) (aa 242-247 and 240-245, in rat and human proteins, respectively). Stretches of basic amino acids frequently serve as protease cleavage sites. The fact that such a stretch is found on the boundary of more or less conserved sequences and the fact that it occurs within the C-terminal LRR, a generally conserved domain, suggests an underlying biological significance.